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**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA,
SOUTHERN DIVISION**

LISA LIBERI, et al,

Plaintiffs,

vs.

ORLY TAITZ, et al,

Defendants.

CIVIL ACTION NUMBER:

8:11-cv-00485-AG (AJW)

**PLAINTIFFS OPPOSITION TO
THE REED DEFENDANTS
MOTION TO DISMISS, DOCKET
NO. 381**

Date of Hearing: October 17, 2011
Time of Hearing: 10:00 a.m.
Location: Courtroom 10D

Plaintiffs, by and through their undersigned counsel, Philip J. Berg, Esquire, file the within Response in Opposition; Memorandum of Points and Authorities; and Declarations in Opposition to Defendants, Reed Elsevier, Inc., LexisNexis Risk and Information Analytics Group, Inc., LexisNexis, Inc., LexisNexis Risk Solutions, Inc., LexisNexis ChoicePoint, Inc., LexisNexis Seisint, Inc., d/b/a Accurint, and LexisNexis Group, Inc. [the "Reed Defendants"] Motion to Dismiss ["MTD"]. In support hereof, Plaintiffs aver the following:

- 1 • The Reed Defendants have waived their defenses to Plaintiffs 12
2 through 16 Cause of Actions;
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- 4 • Plaintiffs have properly pled their Causes of Action against the Reed
5 Defendants;
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- 7 • Plaintiff Lisa Liberi was a customer of the Reed Defendants when
8 they sold her private information to Taitz, Yosef Taitz and the Sankey
9 Defendants; and
- 10
- 11 • Defendants Orly Taitz, Yosef Taitz and the Sankey Defendants have
12 already admitted to obtaining Plaintiffs Lisa Liberi and Lisa Ostella's
13 private information, credit reports, etc. from LexisNexis, ChoicePoint,
14 Inc. and Intelius.

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16 1. Defendant Orly Taitz ["Taitz"] as an attorney threatened to take Philip
17 J. Berg, Esquire ["Berg"] down and to do so she stated she was going to destroy
18 his paralegal, Plaintiff Lisa Liberi ["Liberi"], and get rid of her. Taitz's threat was
19 due to Liberi refusing to assist Taitz in her litigation, which Liberi later learned
20 was a scam. During this same time, Plaintiff Lisa Ostella ["Ostella"] told Taitz to
21 find another web master as Ostella refused to lie and substantiate Taitz's false
22 statements of "hacking".
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25 2. This case is **not** about "in-fighting"; it is **not** about President Obama;
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27 it is **not** about Politics; nor are any of the Plaintiffs part of a "venomous political
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1 clique”; nor do the Plaintiffs and Defendants have histories of working together,
2 except for Taitz and Ostella for a very short few months.
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4 3. In or about April 2009, Taitz as an attorney and a Dentist through the
5 Law Offices of Orly Taitz [“L.O.O.T.”], Orly Taitz, Inc., and as President of
6 Defend our Freedoms Foundations, Inc. [“DOFF”] hired or sought Neil Sankey,
7 Todd Sankey, Sankey Investigations, Inc., The Sankey Firm [“Sankey
8 Defendants”] to obtain very private data of Liberi and Ostella; and to conduct
9 illegal background checks; obtain credit and financial data and obtain other very
10 private information of Liberi and Ostella.
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13 4. The private data obtained by the Sankey Defendants and Taitz from
14 the Reed Defendants was Liberi and Ostella’s Social Security numbers; dates of
15 birth; places of birth; father’s names; relatives names; siblings names; addresses;
16 unlisted phone numbers; children’s names; spouses names, spouses dates of birth;
17 spouses Social Security numbers; financial records; credit reports; medical records;
18 sealed Court information; and other primary identifying information. In fact,
19 Plaintiff Liberi does **not** own real estate, yet the Reed Defendants and Defendant
20 Intelius supplied Plaintiff Liberi’s home address and Liberi and Ostella’s unlisted
21 phone numbers.
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1 5. It was later learned that Taitz and the Sankey Defendants utilized
2 LexisNexis, ChoicePoint, Accurint [“the Reed Defendants”] and Defendant
3 Intelius to obtain Plaintiffs Ostella and Liberi’s private data.
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5 6. Defendant Yosef Taitz is the “hands-on” CEO of Daylight. Mr. Taitz
6 was involved with the design of Daylight’s programs, software and hardware. Mr.
7 Taitz and Daylight’s toolkits provide programming interface applications which
8 are built into the design and used with Oracle. The design allows for remote
9 application execution, cross site scripting, remote interface and injection attacks,
10 which are vulnerabilities that Oracle, Daylight and Mr. Taitz were aware of.
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13 7. Defendants Yosef and Orly Taitz used their expertise with the
14 Daylight tools and Oracle flexibilities to access the Reed Defendants databases,
15 where they also obtained Plaintiffs Liberi and Ostella’s private data. Mr. Taitz in
16 his Motion to Dismiss in his individual capacity stated he could **not** be held liable
17 as any damages caused to the Plaintiffs would be the responsibility of Defendant
18 Daylight Chemical Systems, Inc.
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21 8. Defendants Taitz; DOFF; L.O.O.T., have admitted in Court filings
22 that they obtained Plaintiffs private data directly from the Sankey Defendants; the
23 Reed Defendants and Defendant Intelius. See DOFF’s Motion to Dismiss [“MTD”]
24 filed July 11, 2011, appearing as Docket No. [“DN”] 283; Orly Taitz’s MTD filed
25 July 11, 2011, DN 280; and L.O.O.T.’s MTD filed September 14, 2011, DN 376
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1 and their Amended MTD filed September 16, 2011, DN 377. Taitz stated that the
2 Sankey Defendants, Reed Defendants and Defendant Intelius, Inc. are responsible
3 for Plaintiffs damages. Taitz also published all over her website that she obtained
4 the private data from LexisNexis, ChoicePoint and Intelius. *See* DN 190 through
5 190-27 filed May 20, 2011.
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8 9. In the Reed Defendants MTD they claim Plaintiffs have failed to state
9 a claim in which relief can be granted. The Reed Defendants also moved to join
10 Oracle's Motion to Dismiss claiming they are in the same position as Oracle,
11 which simply is **not** the case. The Reed Defendants also attempt to claim they
12 only provided public records to Taitz and the Sankey Defendants.
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15 10. The Reed Defendants do utilize Oracle databases and is confirmed by
16 the Reed Defendants seeking Oracle personnel to run their databases, see the
17 employment list located online at:
18 <https://reedelsevier.taleo.net/careersection/50/jobdetail.ftl?lang=en&job=LEX003>
19 [Q5](#)
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22 11. As outlined in Plaintiffs Opposition; Brief and Declarations of Lisa
23 Liberi, Lisa Ostella and Philip J. Berg, Esquire, the Reed Defendants have **not** met
24 their burden to have Plaintiffs Complaint Dismissed.
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26 12. Plaintiffs Opposition is based upon their Opposition, the attached
27 Memorandum of Points and Authorities in Support hereof; Declarations of Philip J.
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1 Berg, Esquire; and Lisa Liberi filed concurrently herewith; upon records on file
2 with this Court and such further oral and/or documentary evidence that may be
3 presented at the time of the Hearing.
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6 **WHEREFORE**, for the reasons stated herein, Plaintiffs respectfully request
7 this Court to Deny the Reed Defendants Motion to Dismiss. In the alternative,
8 Plaintiffs Request Leave to Amend their Complaint.
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10 Respectfully submitted,
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13 Dated: September 25, 2011

/s/ Philip J. Berg
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19 *Attorney in Pro Se and Counsel for*
20 *Plaintiffs*
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